

## Paul Martin

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**From:** Paul Martin  
**Sent:** Wednesday, 9 August 2017 2:10 PM  
**To:** 'asboyle@bigpond.com'; 'Greg@fielddeploy.com.au'  
**Subject:** Lease between York Racing Inc and York Rodeo Pty Ltd

Gents,

I am sorry I was not in a position to meet to discuss the above matter yesterday.

Since this time I have commenced preparing the report for Council to consider the exercising of the next 5 year option of the lease for York Rodeo Pty Ltd. This has required me to investigate this matter in some detail and there are some issues I would like records of and/or some rationale to include as part of the report to Council. I have provided details of this information below and would like to meet with you both to discuss at a time which suits all of us.

The information I am seeking is detailed as follows:

1. I note the transfer documentation to have the Shire on the title was submitted to the State Government in 2011 and the Shire is now on the title. I would appreciate any information you have advising the date of which this came into effect. I know you have verbally advised that the lease was entered into prior to the Shire formally coming onto the titles however I would appreciate a specific date (and a copy of any supporting documentation you might have) which I can refer to in the report to Council.
2. On 29 November 2010 the Council, when agreeing to be tenants in common on the title of the Race Course, resolved in part the following:

***“ Land and improvements cannot be sold or leased without the approval of both parties and the consent of the Minister for Lands and all proceeds must be used for racecourse facilities.”***

Both parties referred to above is the Shire of York and York Racing Inc.

The detailed search we have undertaken of the Shire's records provides no evidence of consent being sought or obtained or the Shire being advised of the lease. Could you please provide any records you have which seek and/or provide the Shire's consent for this lease? If consent was not obtained from the Shire can you please provide any rationale for this not occurring?

3. Clause 21 of the lease requires Minister's consent to be "applied for" for the lease. I note that this clause has been changed by the parties to be only referred to as applied for rather than obtained if it is established that is it required. The Shire has no record of this approval being sought from the Minister. Could you please advise what determination was made if Ministers approval was required and how this was made (ie in liaison with Department of Lands if this is what occurred)? Could you also please provide evidence of the approval from the Minister for the lease being sought and the response provided?
4. An ASIC search discloses that York Rodeo Pty Ltd was not incorporated until 30 July 2015 which is one month approximately after the lease agreement was entered into. Could you please provide any rationale for this timing issue including when the application to incorporate York Rodeo Pty Ltd was made?
5. Could you please provide a copy of the letter York Rodeo Pty Ltd sent to York Racing Inc exercising the option for the second term of the lease?

6. On 12 November 2015, in response to an enquiry from a Councillor, Acting CEO Graeme Simpson advised Councillors of the following information. I presume this information was obtained from liaison with representatives from either York Rodeo or York Racing Inc. Any explanation either of you can provide to this matter would be appreciated for me to include in the Council report.

Mr President & Councillors

Please find information below regarding the York Rodeo:

1. There is no formal lease to Mr Browne, the proprietor of the Rodeo event. I was informed by Mr Browne that he has an agreement with York Racing to trial the rodeo concept for up to twelve months.
2. There is no lease at present. The success or otherwise of the first trial will determine whether or not he will seek a formal lease.
3. The only building license required is for the public seating section and this was issued today, 12<sup>th</sup> November, 2015.
4. The other temporary structures are not for use by the public, therefore do not require a formal building permit but the structural engineers have satisfied our officers that the design criteria of these structures meets the Australian Standards.

I appreciate you might consider these to be detail issues however I consider them essential to clarify and resolve at this point in time as Council considers this matter.

I am able to meet either Friday afternoon or Monday morning anytime, say 10 am would suit me, if that works for both of you. Could you please indicate when suits you to meet.

Look forward to catching up and obtaining some resolution to the above matters.

Regards,

Paul

Paul Martin  
Chief Executive Officer



Shire of York  
PO Box 22, York WA 6302  
Phone: (08) 9641 2233 / Fax: (08) 9641 2202  
Mobile: 0417 670 047  
Email: [ceo@york.wa.gov.au](mailto:ceo@york.wa.gov.au)  
Website: [www.york.wa.gov.au](http://www.york.wa.gov.au)

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